

EXAMINER'S AMENDMENT

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, 11 and 12, drawn to a process of depositing food and an apparatus for depositing.

Group II, claim(s) 10 and 11, drawn to a food product.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common technical feature is a multi-coloured confectionary and an apparatus for making such a confectionary. Kinney shows a multi-coloured food product (91, 92, 93) of vanilla, strawberry and chocolate. Thus, a product of a multi-coloured confectionary is not a special technical feature.

3. During a telephone conversation with Raymond R. Mandra on 5/19/09 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-8, 12 and 13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10 and 11 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

Art Unit: 1791

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond R. Mandra on 7/30/2009.

The application has been amended as follows:

Claims 7, 10 and 11 have been canceled.

Claim has been amended as follows:

Claim 8 (Currently amended) The method ~~apparatus~~ of claim 12 4, wherein said ~~plurality of liquid food~~ one or more components are coloured confectionary syrups.

5. The following is an examiner's statement of reasons for allowance: None of the prior art of record teach or suggest an apparatus for the storage and deposition of a plurality of liquid food components to a mould, the apparatus including: a deposition mechanism for intermittently depositing predetermined quantities of said plurality of liquid food components to the mold, the mechanism having a plurality of individual deposition points; a plurality of liquid food storage vessels, each having an outlet adapted to supply an individual liquid food component to the deposition mechanism; and a plurality of arrayed liquid food supply galleries extending from the liquid food storage vessels to the deposition mechanism, thereby to facilitate flow of the food components to the deposition points; wherein the plurality of liquid food storage vessels are each equipped with an elongate outlet, the outlet being adapted to allow the liquid food to flow substantially directly into each supply gallery along that inlet region; and

Art Unit: 1791

wherein there is provided a means for selectively allowing or preventing flow of the contents of each or any of said vessels to each or any of the galleries. Claim 1 has a means plus function limitation which is defined as a program plate having apertures that provide an open conduit between the given liquid food vessel outlet and the inlet of each predetermined gallery. The closest prior art (Rapisarda 2,031,386) discloses an apparatus for depositing multiple components to a plurality of molds (218) from a plurality of tanks, but the reference does not disclose a plurality of liquid storage vessels having an elongate outlet and a program plate to allow communication between the storage vessels and the plurality of deposition points of the deposition mechanism.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

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/Robert B. Davis/
Primary Examiner, Art Unit 1791
7/30/09